

REMARKS/ARGUMENTS**Summary of response to 35 USC § 112, 35 USC § 101 and 35 USC § 102(b)
rejections**

The Examiner has rejected claim 1 under 35 U.S.C. 112 as being indefinite. The Examiner has rejected claims 10, 16 and 20 under 35 U.S.C. 101 as being directed to non-statutory subject matter. The Examiner has rejected claims 1-31 under 35 U.S.C. 102(b) as being anticipated by Bowman et al.

In response, Applicant has amended claims 1, 2, 12, 13 and 18. Support for these amendments is found at least on page 8, paragraph [28] of Applicant's specification. Applicant has cancelled claims 10, 16 and 20. Additionally, even though Applicant has amended the claims, Applicant notes that the Examiner is incorrect in his interpretation of the cited art as explained in more detail below.

Claim rejections -35 USC § 112

The Examiner has rejected claim 1 under 35 U.S.C. 112 as being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicant regards as the invention. In response Applicant has amended claim 1 to address the Examiner's rejection. The phrase "related to" has been replaced with the phrase "secured with."

Claim rejections -35 USC § 101

The Examiner has rejected claims 10, 16 and 20 under 35 U.S.C. 101 as being directed to non-statutory subject matter. In response Applicant has cancelled claims 10, 16 and 20.

Claim rejections -35 USC § 102

The Examiner has rejected claims 1-31 under 35 U.S.C. 102(b) as being anticipated by Bowman et al. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102(b) that forms the basis for these rejections:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or in a foreign country or in a public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

The Examiner states that Bowman teaches the steps of Applicant's claim 1. Office Action dated November 2, 2006, pages 4-5. The Examiner states that Bowman discloses "distributing the second decryption information that is cryptographically secured with the first decryption information (See col.6, lines 22-48, col.18, lines 9-36)." Office Action dated November 2, 2006, page 5. However, the Examiner appears to be mistaken.

Bowman describes *generating* a decryption key by the authorized receiver stations. Bowman, col.1, line 67, col.2, line 1, figure 3, figure 4a. Applicant agrees with the Examiner in that the different terms "decryption key" disclosed by Bowman and "second decryption information" as required by the Applicant's claim are functionally similar. However, the step of "*distributing* the second decryption information" as required by the Applicant's claim cannot be equated with Bowman's disclosure of "generating a decryption key" since the decryption key disclosed by Bowman is generated by the *receiver stations*. Id. In contrast, Applicant's claimed invention requires that the second decryption information (i.e. RCM) is received by the receivers from the *content broadcaster*. Applicant's specification, paragraph [28], figures 2A-2D, figure 4. For Bowman to teach distributing second decryption information, the broadcaster has to *distribute* the second decryption information to the receivers as opposed to the receivers *generating* the decryption key by themselves as disclosed by Bowman. However, there is no mention of *distributing* second decryption information to *receivers* as required by the Applicant's claimed invention.

Notwithstanding that "distributing the second decryption information" is missing from Bowman, Applicant has amended claim 1 to more clearly specify that Applicant's

claimed invention is not anticipated by Bowman. Applicant's amended claim requires "[a]t a broadcaster: ...distributing the second decryption information to the subset of the population of digital receivers, wherein the second decryption information is cryptographically secured with the first decryption information." For Bowman to teach Applicant's claim, a broadcaster is required to perform the steps of Applicant's claim. However, as mentioned earlier, Bowman does not disclose a broadcaster distributing second decryption information to digital receivers as required by the Applicant's amended claim 1.

Similarly, claim 12 has been amended to require "[a]t a population of digital receivers: ...receiving second decryption information from the broadcaster, wherein the second decryption information is cryptographically related to the second decryption information." Claim 18 has been amended to require "[a]t a broadcaster: ...distributing second decryption information to the second subset of the population of digital receivers...."

Regarding claim 18, notwithstanding that "distributing the second decryption information" is missing from Bowman, and notwithstanding that Applicant's claim requires "[a]t a broadcaster: ...distributing second decryption information to the ... receivers," Applicant's claim requires that "...the first decryption information expires at some future time...sending the second content in encrypted form after the first decryption information has expired." As described by Applicant's specification, expiration of the first decryption information means that "the RMM (i.e. first decryption information) has an expiration date and a category key...only digital receivers that have a current RMM to decrypt the RCM can get the content key. De-provisioning or revocation occurs when the RMM key expires." Applicant's specification, paragraph [12]. However, Bowman makes no mention of expiration of subscription key values. Also, Bowman does not mention revocation or de-authorization using the subscription key values.

Since the above limitations are missing from the Bowman reference, and in light of Applicant's amendment to independent claims 1, 12, and 18 a rejection of independent claims 1, 12, 18 and 22 under 35 U.S.C. 102(b) should be withdrawn. Further, the rejection of dependent claims 2-9, 11, 13-15, 17, 19, 21 and 23-31 under 35 U.S.C. 102(b) is requested to be withdrawn.

The Applicant believes that the subject application, as amended, is in condition for allowance. Such action is earnestly solicited by the Applicant.

In the event that the Examiner deems the present application non-allowable, it is requested that the Examiner telephone the Applicant's attorney at the number indicated below so that the prosecution of the present case may be advanced by the clarification of any continuing rejection.

Please charge any fees that may be due to Deposit Account 502117, Motorola, Inc.

Dated: January 31, 2007

Respectfully submitted,

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